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professionally known as “JESSICA HAID”

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ROBIN BAIN, an Individual,  
  
Plaintiff,  
  
v.

FILM INDEPENDENT, INC., a  
California Corporation, doing business  
as the “LA Film Festival”; LA MEDIA  
WORKS, CORP. a business entity of  
unknown form; JESSICA HAID a.k.a.  
“Jessica Cesaro”, an Individual; and  
DOES 1-10,  
  
Defendants.

JESSICA CESARO professionally  
known as “JESSICA HAID,” an  
Individual,  
  
Counter-Claimant,  
  
v.  
  
ROBIN BAIN, an Individual; and DOES  
11-20,  
  
Counterclaim-Defendants.

Case No.: 2:18-cv-04126-PA(JEMx)

**DEFENDANT / COUNTER-  
CLAIMANT JESSICA HAID’S  
NOTICE OF MOTION FOR  
SUMMARY JUDGMENT AND/OR  
ADJUDICATION**

*[Memorandum of Points and  
Authorities, Declaration of Jessica  
Haid, Declaration of Marc D’Amour,  
Declaration of John R. Baldivia,  
Separate Statement of Uncontroverted  
Facts and Conclusions of Law, and  
Proposed Order filed concurrently  
herewith]*

DATE: August 10, 2020  
TIME: 1:30 p.m.  
JUDGE: Percy Anderson  
COURTROOM: 9A

COMPLAINT FILED:  
May 16, 2018  
FINAL PRETRIAL CONFERENCE:  
October 8, 2020  
TRIAL DATE:  
October 13, 2020

**TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT, on August 10, 2020 at 1:30 p.m., or as soon thereafter as counsel may be heard, before the Honorable Percy Anderson, located at 350 West First Street, Los Angeles, CA 90012, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 56-1 through 56-3 of this Court, Defendant / Counter-Claimant JESSICA CESARO, professionally known as JESSICA HAID (“Haid”) respectfully submits this Motion for Summary Judgment and/or Adjudication as to Plaintiff ROBIN BAIN’s (“Bain”) Complaint.

As set forth in the accompanying Memorandum of Points and Authorities, there is good cause for the relief requested on the following grounds:

1. Bain’s claims for Copyright Infringement, Vicarious and/or Contributory Copyright Infringement, and Violation of the Digital Millennium Copyright Act (17 U.S.C. § 1202) must fail because the allegedly infringing works are protected by fair use;
2. Bain’s claim for Violation of the Digital Millennium Copyright Act (17 U.S.C. § 1202) must fail because Bain cannot prove that Haid possessed the requisite mental state under the law.

Pursuant to Local Rule 7-3, on July 2, 2020 counsel for Haid, John R. Baldivia, spoke to Justin M. Gomes, counsel for Bain, to meet and confer regarding the arguments in this motion. Declaration of John R. Baldivia (“Baldivia Decl.”) at

¶ 5. The parties have not been able to resolve the issues informally. *Id.*

This Motion is based on the Memorandum of Points and Authorities, Separate Statement of Uncontroverted Facts and Conclusions of Law, Declaration of Jessica Haid, Declaration of Marc D’Amour, Declaration of John R. Baldivia, Esq., the pleadings and papers filed in this action, and such further argument and matters as may be offered at the time of the hearing of this Motion.

**PIERCE LAW GROUP LLP**

9100 Wilshire Boulevard  
Suite 225 East Tower  
Beverly Hills, California 90212

1 Dated: July 13, 2020

**PIERCE LAW GROUP LLP**

2 By: /s/ David Albert Pierce

3 David Albert Pierce, Esq.

4 John R. Baldivia, Esq.

5 Attorneys for Defendant / Counter-  
6 Claimant JESSICA CESARO,  
7 professionally known as JESSICA  
8 HAID  
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